IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 26974 of 2007(J)

PETITIONER:

SHEENA KAIMAL.N.
LECTURER IN ENGLISH
SREE SANKARA VIDYAPEETOM COLLEGE,
VALAYANCHIRANGARA PO,
PERUMBAVOOR, ERNAKULAM DISTRICT.

BY ADV. SRI.A.A.ABUL HASSAN

RESPONDENTS:

1. STATE OF KERALA,REPRESENTED BY
SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT
THIRUVANANTHAPURAM.

2. DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN,
THIRUVANANTHAPURAM.

3. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION
CENTRAL ZONE, M.C.R.V, HOSTEL DBUILDING
HOSPITAL ROAD, ERNAKULAM,
KOCHI-11.

4. MAHATMA GANDHI UNIVERSITY,
PRIYADARSINI HILLS, ATHIRAMPUZHA,
KOTTAYAM, REPRESENTED BY ITS REGISTRAR.

5. MANAGER,
SSV COLLEGE, VALAYANCHIRANGARA PO,
PERUMBAVOOR, PIN 683 556.

BY ADV. SRI. T.A. SHAJI, SC, M.G.UNIVERSITY
ADV. SHRI.A.J.VARGHESE, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

WP(C) No. 26974 of 2007

Dated, this the 5th day of October, 2007

J U D G M E N T

The petitioner has been appointed as lecturer in an aided college. He has approached this Court seeking a direction to the University to approve her appointment and also to the 3rd respondent to disburse the salary due to the petitioner in the scale of lecturer from the date of her joining duty on 10/02/2005. The approval has not been granted for the reason that in view of the University Laws (Amendment) Act 2005, approval of appointment can be considered only after formal orders are passed by the Government. The learned counsel for the petitioner submits that such Government Order is necessary only in the case of creation of new posts and not to the appointments made to already existing posts. According to the counsel for the petitioner, this has been so held by a Division Bench of this court in **State of Kerala Vs. Dr. Sina and Others**, reported in 2007(3) ILR Kerala 122.

A counter affidavit has been filed by the University, wherein the claim of the petitioner is refuted. However, it is not disputed before me that the petitioner has been appointed to a vacancy

which arose on 30/06/1997, on the retirement of one Kesava Pisharody, an approved lecturer. It is also not disputed before me that the Division Bench has held that in respect of such appointments, University Laws (Amendment) Act 2005 would not be applicable. In view of the Division Bench decision, I am satisfied that the petitioner is entitled to succeed in this writ petition. Accordingly, I direct the 4th respondent to approve the appointment of the petitioner, if the petitioner is eligible for such approval otherwise. This shall be done within a period of one month from the date of receipt of a copy of this judgment. The 3rd respondent shall disburse the salary of the petitioner within a period of another one month therefrom.

This writ petition is allowed as above.

(S.SIRI JAGAN, JUDGE)

jg